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COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-fourth session
Item 3 of the provisional agenda

ADMINISTRATION OF JUSTICE

Written statement* submitted by the Association for World Education, a non-governmental organization on the Roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[10 July 2002]

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*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Egypt's state of emergency, military tribunals, and discrimination in the criminal justice system

1. Three of the main subheadings under item 3 apply to Egypt over the last two decades: The question of human rights and states of emergency; the issue of the administration of justice through military tribunals; discrimination in the criminal justice system.

2. In 1981, after the assassination of President Anwar Sadat, a "state of emergency" was reintroduced by the Government of Egypt. In May 2000, it was extended for a further three years. Under these regulations, any civilian may be referred to a military court by a presidential decision if the case falls under the general category: "act of terrorism" (see article 6 of Act N° 52 of 1966).

3. The Association for World Education wishes to illustrate this chronic situation in Egypt by referring to two exemplary cases of a different nature. The first such case is that of Dr. Neseem Abdel Malek, which has been highlighted exceptionally by our Association since summer 1998 at several UN bodies, and elsewhere.

4. This system facilitates a condemnation without appeal on totally inadequate evidence: a false accusation of bribery from a previously certified insane Islamist killer, whose fabricated allegation in 1997 was contradicted by his own mother.

5. Opinion N° 10/1999 of the Working Group on Arbitrary Detention (E/CN.4 /2000/4 Add.1,pp.52-55) requested the Egyptian Government to review the case of a Coptic doctor, the former director of a mental institute in Cairo, who was unjustly condemned to 25 years imprisonment by a military court. The Association for World Education's written Statement (E/CN.4/2001/NGO/49) contains the text of the Working Group's Opinion N° 10/1999 (Egypt), as well as the brief "Reply of the Government of Egypt." (E/CN.4/2000/4, §27,28)

6. The Working Group on Arbitrary (WGAD) concluded its Opinion: "The deprivation of liberty of Dr. Neseem Abdel Malek is arbitrary, as being in contravention of articles 9 & 10 of the Universal Declaration of Human Rights and articles 9 & 14 of the International Covenant on Civil and Political Rights and falls within category III of the applicable categories to the consideration of the cases submitted to the Working Group." (§19)

7. The last paragraph of the WGAD's Opinion was unequivocal: "Consequent upon the opinion rendered, the Working Group requests the Government: to take the necessary steps to remedy the situation, and bring it in conformity with the standards and principles set forth in the Universal Declaration of Human Rights." (§20)

8. Regretfully, the recommendation of the WGAD was not implemented by the Egyptian Government. However, in January 2001, the arbitrary sentence of imprisonment pronounced by a military tribunal, under the state of emergency regulations, and without the right of appeal, was reduced from 25 to 10 years.

9. Thus, in spite of WGAD's Opinion N° 10/1999, an innocent man - a doctor, and a highly-respected member of the Coptic community, with two young children - remains in prison after nearly five years. This is an exemplary miscarriage of justice under a flawed system. Human rights were flaunted due to a state of emergency, a military tribunal, clear discrimination, and the impossibilty of any appeal.

10. The second case is that of Saad Eddin Ibrahim, a distinguished professor of sociology, Director of the Ibn Khaldoun Center for Development Studies, and a staunch human rights activist. In its reaction to his valiant advocacy for democracy and human rights, the Egyptian Government closed down the Center, and arrested him and 27 of his colleagues in February 2000. Dr. Ibrahim was first detained for sixty days pending investigation. Then, he was sentenced to seven years in prison with hard labour for charges that make a mockery of justice. National and international organizations condemned this arbitrary sentence, alleging that the prosecution of Dr. Saad Eddin Ibrahim and his colleagues was politically motivated.

11. Fortunately, due to international support, Dr. Saad Eddin Ibrahim and his colleagues were released recently from prison by a court order and his case will be reviewed by the Court of Cassation. This retrial is still awaited. We hope it will be an example of an equitable administration of justice and respect for the rule of law.

12. The Association for World Education is appealing to the Sub-Commission, and its concerned experts, to take into consideration, at this fifty-fourth session, these two exemplary cases. We also request the Government of Egypt to abide by the universal instruments it has ratified, and to take the necessary steps to see that its national practice fully meets the international human rights standards in regard to the administration of justice.